

REMARKS

In the Office Action¹, the Examiner rejected claims 1-15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,182,094 to Humpleman et al. ("*Humpleman*"), U.S. Patent No. 5,526,130 to Kim ("*Kim*"), U.S. Patent No. 6,177,931 to Alexander et al. ("*Alexander*"), and U.S. Patent No. 6,002,394 to Schein et al. ("*Schein*").

Applicant has amended claims 1, 8, and 15. Claims 1-15 remain pending.

Applicant respectfully traverses the rejection of claims 1-15 under 35 U.S.C. § 103(a) as being unpatentable over *Humpleman*, *Kim*, *Alexander*, and *Schein*. A *prima facie* case of obviousness has not been established.

Claim 1, as amended, recites a device including, for example, a "control means [] for cancelling the recording reservation if double booking occurs and if the recording reservation is a preliminary reservation, wherein an entry of the cause of the double booking occurred subsequent to an entry of the preliminary reservation." *Humpleman*, *Kim*, *Alexander*, and *Schein* fail to disclose at least the claimed control means.

Alexander discloses:

[i]f the EPG detects an overlap in date, time and duration between the newly received instruction on the one hand and one or more of the remaining record instructions in the Record List, the EPG formats a message to the viewer describing the conflict . . . The EPG will require that the viewer revise the record instructions to eliminate the conflict. In one embodiment, if the EPG detects that one recording instruction pertains to a "one occurrence" program that conflicts in date, time and duration with a recording instruction to record a "regularly recorded" program, the EPG

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

would format an on screen message that would suggest to the viewer that the viewer select the "one occurrence" program to be recorded. In another embodiment, the EPG automatically "decides" to override the "regularly record" instruction and will record the "one occurrence" program with no further intervention by the viewer.

(col. 12, line 60 - col. 13, line 12). Even assuming that a "newly received instruction" corresponds to "the cause of the double booking," a "remaining record instruction[s]" corresponds to a "recording reservation," and "conflicts in date, time and duration" corresponds to "double booking," which the applicants do not concede, "decid[ing] to override the 'regularly record' instruction and [] record the 'one occurrence' program," because one is a "regularly recorded" program (instruction) and the other is a "one occurrence" program (instruction), does not constitute "cancelling . . . if the recording reservation is a preliminary reservation, wherein an entry of the cause of the double booking occurred subsequent to a time of entry of the preliminary reservation" (emphasis added), as recited in claim 1.

Humpleman, Kim, and Schein fail to cure the deficiencies of *Alexander*.

Humpleman, Kim, and Schein fail to disclose "cancelling the recording reservation if double booking occurs," as recited in claim 1.

Accordingly, *Humpleman, Kim, Alexander, and Schein*, alone or in combination, fail to teach or suggest the subject matter recited in claim 1.

Independent claims 8 and 15, though of different scope than claim 1, are allowable for at least the same reasons as claim 1. Claims 2-7 and 9-14 depend from claims 1 and 8, respectively, and are thus allowable for at least the same reasons as claims 1 and 8.


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 
Eli Mazour
Reg. No. 59,318
(202) 408-4320